



WEB COPY



W.P.No.8094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8094 of 2023
and WMP No.8350 of 2023

Karnataka Sangha
Registered under The Tamil Nadu Societies Act
Vide Registration No.36 of 1949
Rep.by its President
No.111, Habibullah Road
T.Nagar, Chennai- 600 017.

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by The Secretary to Government
MAWS Department
Fort St. George Chennai-600 009.
2. The Deputy Commissioner (Va/ Ma.Ni)
Greater Chennai Corporation
Ribbon Building, Chennai-600 003.
3. The District Revenue Officer
Land and Estate Department
Greater Chennai Corporation
Ribbon Building Chennai-600 003.
4. The Zonal Officer
Greater Chennai Corporation
Zone 1, Chepauk
Chennai-600 005.
5. The District Revenue Officer
Greater Chennai Corporation
Ribbon Building, Chennai-600 003.

.. Respondents



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Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents particularly that of the 3rd respondent in Ni.Ma. Uthu. Ka. No. LE4/ 3282/ 1993 dt.17.02.2023 and quash the same as illegal, unlawful, without Jurisdiction and consequently direct the respondents to fix reasonable and fair land rent for the petitioner for the premises situate at No.111 Habibullah Road T.Nagar Chennai-600 017.

For Petitioner Mr.T.S.Rajamohan

For Respondents Mrs.S.Mythreye Chandru
Special Government Pleader
for R1

Mrs.P.T.Rama Devi
Standing Counsel
for R2 to R5

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 17.2.2023 and for a consequential direction to the respondents to fix a reasonable and fair land rent for the premises in which a School is being run by the petitioner.

2.Heard Mr.T.S.Rajamohan, learned counsel for the petitioner, Mrs.S.Mythreye Chandru, Special Government Pleader for R1 and Mrs.P.T.Rama Devi, learned Standing Counsel for R2 to R5.



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3.It is seen from records that the Chennai Corporation had granted leasehold right to the petitioner to run a School. Initially, the lease was granted for a period of 33 years and thereafter, it was extended upto 13.10.2019. After the expiry of the lease period, the leasehold right has not been extended. However, the petitioner continued to run the School and considering the fact that the petitioner had been in occupation of the property for a longtime, the respondent Corporation wanted to consider extending the lease period. At that point of time, it was found that the petitioner had not paid any land rent for the period from 14.10.2019 to 31.12.2022 and the total amount that was due and payable by the petitioner worked out to a sum of Rs.75,90,554/- and the service tax payable was Rs.13,66,300/-. The petitioner was asked to pay this amount.

4.The petitioner was called for an enquiry and was asked to consider whether the property can be handed over to the Chennai Corporation. By virtue of the impugned proceedings dated 17.02.2023, the petitioner was informed about all the above facts and was directed to attend for an enquiry on 01.03.2023, to take a decision. According to the petitioner, the petitioner has already given a detailed representation dated 22.02.2023, seeking for the renewal of the lease and for the fixation of a fair and reasonable rent. Since hasty steps were taken to take over the property, the present writ petition has been filed before this Court.



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5.The learned Standing Counsel appearing on behalf of the Chennai Corporation submitted that the petitioner has not paid the arrears of land rent and he has been squatting on the property and that is the reason why the proceedings were initiated. Per contra, the learned counsel for the petitioner submitted that the petitioner has paid the entire arrears that was demanded by the respondent Corporation and inspite of the same, steps were taken to take over the property and thereby prevent the petitioner from running the School.

6.In the considered view of this Court, if the petitioner has already paid the entire arrears as demanded by the Chennai Corporation, what remains will be the request made by the petitioner for the renewal of the lease and for the fixation of a fair rent. The petitioner has already given a representation in this regard on 22.02.2023. No further steps have been taken pursuant to the issuance of the impugned proceedings dated 17.2.2023 and it continues to be at the stage of enquiry. In view of the same, it will suffice if a direction is issued to the 2nd respondent to proceed further with the enquiry and while undertaking this process shall also consider the representation made by the petitioner on 22.02.2023 and a final decision shall be taken. Several rival contentions were raised on either side and this Court does not want to go into any issue and it is left open to the petitioner to follow up with the detailed representation made on 22.02.2023. The 2nd respondent shall complete the enquiry and shall take a decision and convey the same to the petitioner within a period of **eight weeks** from the date of receipt of copy of this order. Till then, status quo shall be maintained by the parties.



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7. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

11.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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N.ANAND VENKATESH, J.

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